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APPLICATION NO. 09/165,844	FILING DATE 06/20/99	FIRST NAMED INVENTOR TIMOTHY N TROP	ATTORNEY DOCKET NO. INTL-0055(P5)
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TM02/1221

EXAMINER LUMMIS, J HA	
ART UNIT 2171	PAPER NUMBER 4

DATE MAILED: 12/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/105,844

Applicant(s)  
Upadhyayula et al

Examiner  
John C. Loomis HA

Group Art Unit  
2171



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 22-29 is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2771

### DETAILED ACTION

1. This application has been examined. Claims 1-29 are pending.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The Examiner suggests the following:

DYNAMIC COLOR MANAGEMENT DEVICE PROFILES.

3. It appears that Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). It is the Examiner's understanding that Figure 3 shows the International Color Consortium's profile format specification. It is the Examiner's understanding that the applicants' invention uses the format specification but that applicants did not invent the format specification. Therefore, the format specification is prior art.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2771

5. Claims 1-14 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,088,038, Edge et al.

6. Regarding claims 1-14 and 16-21, Edge et al. disclose receiving a graphical object having associated profile information, generating a profile based on the associated profile information, storing the profile information and identifying the profile to a color management system, see col. 2, lines 23-35, col. 4, lines 14-65, and 12, lines 31-50.

Regarding the limitations directed to various Tag values, these Tag values are inherently taught by the references' teachings on the International Color Consortium's device profiles.

Regarding the limitation in claim 9 directed to generating a second graphical object, this limitations reads on creating the output graphical object.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2771

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,088,038, Edge et al.

9. Edge et al. do not explicitly disclose having a digital camera as a graphical image input device to a color management system. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use digital cameras with images using embedded International Color Consortiums device profiles because of the clear need to accommodate a popular digital image producing device.

#### ***Allowable Subject Matter***

10. Claims 22-29 are deemed allowable because the prior art does not teach nor fairly suggest a method wherein a graphical object is received with a profile information part and in which at least a portion of the profile information part is compared to at least a portion of a prior received profile information part to identify a current profile information part for sending to a color management system.

#### ***Conclusion***

Art Unit: 2771

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,075,888 Schwartz, system for creating a device specific color profile.

US Patent 5,982,416, Ishii et al., creating and modifying color space profiles.

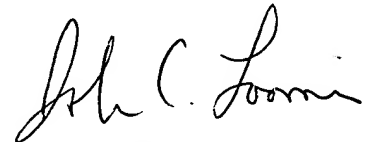
US Patent 5,881,209, Stokes, generating printer profiles for color printers.

US Patent 5,835,098, Lipton, using embedded color profiles in a document.

US Patent 5,806,081, Swen, using embedded color profiles in a document.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Loomis whose telephone number is (703) 305-3833. The examiner can normally be reached on Mondays through Fridays from 7:30 AM to 4:00 PM.

**JOHN C. LOOMIS**  
**PATENT EXAMINER**  
**GROUP 2100**



John C. Loomis

December 15, 2000